

*To the Secretary of State:*

Substitute House bill No. 261, entitled "An Act to provide for the extension and enlargement of the iron pipe manufactory in the State Penitentiary at Rusk, Texas; authorizing and directing the Penitentiary Board to purchase timber or timbered lands, and iron ore or lands containing deposits of iron ore sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace and pipe works situated in said penitentiary, to their full capacity, as herein provided, for not less than five years from the date of this act; providing for conducting experiments and tests at the State iron smelting furnace in said penitentiary in the use of lignite and brown coal as fuel in the smelting of iron; prescribing by whom said tests shall be made, and if such tests prove successful, directing the Penitentiary Board to contract for and provide such quantity of lignite for the use of such smelting furnace and iron manufactories as may be necessary for their use and consumption thereafter; and making an appropriation therefor," is herewith transmitted, disapproved.

It is declared in the preamble of this measure to be the duty of the Penitentiary Commissioners to so enlarge the iron pipe manufactory at the Rusk penitentiary as to consume the product of the furnace, and to purchase enough timber or timbered lands, and iron ore or lands containing iron ore to sufficiently supply the charcoal and iron ore necessary to operate the iron smelting furnace and pipe works to their full capacity for not less than five years from the date of the act.

It is also provided that experiments shall be made to determine the suitability of lignite for use as fuel in the smelting of iron.

To accomplish these objects the sum of only ten thousand dollars, which is to be returned to the treasury, is appropriated, an amount which any disinterested and well informed person, at all acquainted with the present condition of the plant, will unhesitatingly pronounce to be entirely inadequate for the purpose.

As a business proposition it needs only to be stated to insure its immediate rejection by all whose judgment in such matters is worthy of the slightest consideration.

It is true that it is provided in the bill that not exceeding ten thousand dollars shall be expended in the improvement and enlargement of machinery, in the purchase of lands, ore and timber,

and in testing the value and suitability of lignite, except by the authority of the Penitentiary Commissioners, with the consent of the Governor, to be entered on the minutes of the board.

The implication is that a larger sum may be expended, and the question is, therefore, pertinent: Did the Legislature intend, in this indirect manner, to authorize the making of an indefinite deficit against the general revenue of the State, or did it intend that the resources of the penitentiary system, however strained they might become, and regardless of other just and necessary demands upon them, may be utilized, if necessary, to accomplish the purposes indicated, the commissioners and the Governor, however, to be responsible for such additional expenditure?

Premitting any expression as to the injustice of imposing upon the commissioners and the Governor such responsibility, either view as to the true intentment of the Legislature in the premises must be regarded as a fatal objection, when considering the present financial condition of the penitentiary system in consequence of the severe losses sustained by it during the past two years through floods, storm and the boll weevil, and its well established policy, which has the hearty concurrence of all, to provide as rapidly as may be practicable for the purchase of State farms upon which to utilize convict labor. Nor should the fact be overlooked that the general revenue of the State for the next six months is, in a great measure, if not altogether, anticipated by other appropriations already made. It is quite certain that the revenue to accrue during the two years beginning on September 1, 1901, will hardly be greater than the appropriations that will be made for the same period.

But what the necessity for purchasing in advance and before needed, timber or timbered lands and iron ore or lands containing deposits of iron ore, sufficient to supply the charcoal and iron ore necessary to operate the furnace and pipe works to their full capacity for not less than five years? Nowhere in the bill does there appear any authority or requirement upon the commissioners, or any other official, to operate the pipe manufactory or to continue the iron industry at the Rusk Penitentiary even for a day. Singularly enough the bill is entirely silent in this respect. Comment upon this important omission could be but conjectural, and should, therefore, not be indulged in.

Other substantial reasons might be

urged against the wisdom of the proposed measure, but the objections stated are deemed sufficient to justify withholding its approval.

The bill on the statute book, it will be mandatory upon the commissioners to execute the will of the Legislature, as therein expressed, respecting the development and extension of the pipe manufactory, whatever the consequence to the other branches of the penitentiary system or to the general revenue of the State.

It must not be understood from the action now taken upon the measure and from the expressions herein used that it is the intention of the present management of the penitentiary system to abandon this industry. On the contrary, the plant will be continued in operation and to the extent possible with the resources at the command of the commissioners, regard being at the same time had for the necessities of other departments of the service in the matter of maintenance and administration. Effort will also be made to determine the suitability of lignite for use in the furnaces.

JOSEPH D. SAYERS,

Governor.

April 26, 1901.